

# Proposed Rules

Federal Register

Vol. 60, No. 23

Friday, February 3, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 95-ASO-4]

#### Proposed Amendment to Class E Airspace; Smithfield, NC

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Class E airspace area at Smithfield, NC, A LOC/DME RWY 3 Standard Instrument Approach Procedure (SIAP) has been developed for Johnston County Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before March 20, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 95-ASO-4, Manager, System Management Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305-5586.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Powderly, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis

supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-ASO-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

##### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Smithfield, NC, A LOC/DME RWY 3 SIAP has been developed for Johnston County Airport. Additional controlled airspace extending upward from 700

feet AGL is needed to accommodate this SIAP and for IFR operations at the airport. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994 and effective September 16, 1994 which is incorporated by reference in CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

##### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

##### PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994 and effective September 16, 1994, is amended as follows:

*Para. 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth.*

\* \* \* \* \*

#### **ASO NC E5 Smithfield, NC [Revised]**

Johnston County Airport, NC  
(Lat. 35°26'28" N, long. 78°23'25")

Jnall NDB

(Lat. 35°26'25" N, long. 78°21'16" W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Johnston County Airport and within 2.4 miles each side of the 024° bearing from the Jnall NDB, extending from the 7.5-mile radius to 7 miles northeast of the NDB.

\* \* \* \* \*

Issued in College Park, Georgia, on January 24, 1995.

**Michael J. Powderly,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

[FR Doc. 95-2733 Filed 2-2-95; 8:45 am]

BILLING CODE 4910-13-M

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[IL12-39-6822, FRL-5149-2]

#### **Approval and Promulgation of Implementation Plans; Illinois**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; notice of public hearing; reopening the public comment period.

**SUMMARY:** The United States Environmental Protection Agency (USEPA) promulgated the Chicago ozone Federal Implementation Plan (FIP) on June 29, 1990 (55 FR 26814). Included in USEPA's FIP was a requirement that staple manufacturing facilities such as Duo-Fast Corporation's Franklin Park, Illinois facility be subject to specific emission limits. On November 27, 1990, Duo-Fast filed a petition for reconsideration with USEPA in which it contended that USEPA failed to respond to Duo-Fast's March 2, 1990, comments in response to USEPA's December 27, 1990, proposed promulgation of the Chicago FIP. On November 18, 1994 (59 FR 59739), USEPA published a proposed rule on this reconsideration which offered the opportunity for a public hearing. A public hearing was requested on the November 18, 1994, proposed rule. This notice announces that a public hearing on the proposed rule is scheduled for March 8, 1995, and reopens the public comment period from February 3, 1995 until April 7, 1995.

**DATES:** The public comment period is reopened from February 3, 1995 until April 7, 1995. A public hearing has been scheduled for Wednesday March 8, 1995, at 1:30 pm.

**ADDRESSES:** Written comments on the proposed rule should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments should be strictly limited to the subject matter of the November 18, 1994, proposed rule. The location of the public hearing is the Lake Ontario Room on the twelfth floor of the Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Regulation Development Branch, 18th Floor Southwest, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052.

Dated: January 25, 1995.

**Michelle D. Jordan,**

*Acting Regional Administrator.*

[FR Doc. 95-2628 Filed 2-2-95; 8:45 am]

BILLING CODE 6560-50-P

## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **46 CFR Chapter I**

[CGD 95-007]

#### **Alternate Compliance for Inspection and Certification of Certain U.S. Flag Commercial Vessels**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice; solicitation for participants; request for comments.

**SUMMARY:** On January 12, 1995, the U.S. Coast Guard and the American Bureau of Shipping (ABS) signed a Memorandum of Understanding (MOU) concerning delegation of vessel inspections and examinations, tonnage measurement, and acceptance of plan review and approval. Under this MOU, the Coast Guard and the ABS will develop a program to provide owners and operators of certain ABS classed, Coast Guard inspected commercial vessels with an alternative to undergoing inspection by the Coast Guard under existing applicable Federal regulations. Owners and operators of certain ABS classed, Coast Guard inspected vessels are invited to participate in a pilot program designed to evaluate standards, processes, and procedures under development for use

in the Alternate Compliance Program (ACP), and interested persons are invited to submit comments.

**DATES:** A pilot program will begin February 3, 1995. Applications for participation in the pilot program must be received not later than May 4, 1995. Written comments should be submitted not later than August 2, 1995.

**ADDRESSES:** Applications for participation in the pilot program must be submitted to Commandant (G-MVI-1), ATTN: ACP Pilot Program, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593-0001. Written comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 AM and 3 PM, Monday through Friday, except Federal holidays. Comments will become part of this docket and will be available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 AM and 3 PM, Monday through Friday, except Federal holidays. Copies of referenced materials are available for inspection and copying in room 1400, U.S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593-0001, and may also be obtained from the American Bureau of Shipping, 16855 Northchase Drive, Houston, TX 77060, or the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR, United Kingdom, telephone 44 (71) 735 7611, facsimile 44 (71) 587 3210, as indicated.

**FOR FURTHER INFORMATION CONTACT:** LCDR David L. Scott, Project Manager, Commandant (G-MV1-1), U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593-0001, telephone (202) 267-1464.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Under 46 U.S.C. 3316, the Secretary of Transportation may rely upon reports, documents, and certificates issued by ABS. The Secretary may also delegate authority to ABS to inspect or examine a vessel of the U.S. The same statute authorizes the Secretary to use ABS for reviewing and approving plans required for issuance of a certificate of inspection. These authorities have been delegated to the Coast Guard. The MOU signed on January 12, 1995, by the Coast Guard and the ABS further delegates these authorities to the ABS.

Currently, the Coast Guard conducts vessel inspections and the ABS conducts vessel surveys. For U.S. flag, ABS classed, Coast Guard inspected